



May 15, 2007 CPC
July 17, 2007 CPC
August 21, 2007 CPC
September 26, 2007 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0307
(AMENDED)

Battleground Restaurants Inc. and Michael McCaffery

Matoaca Magisterial District
South line of Hull Street Road

REQUEST:

Rezoning from Agricultural (A), Neighborhood Business (C-2) and Corporate Office (O-2) to Corporate Office (O-2) and Community Business (C-3) with Conditional Use Planned Development to permit exceptions to Ordinance requirements.

PROPOSED LAND USE:

Commercial and office uses are planned. Exceptions are requested to requirements of the Zoning Ordinance relative to architectural treatment. Specifically, the applicant proposes that 1) development would comply with the Route 360 Corridor West architectural standards for Community Mixed Use areas; and 2) development would not be architecturally compatible with adjacent commercial development (Harbourside Centre).

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL SUBJECT TO THE CONDITION AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 THROUGH 5.

STAFF RECOMMENDATION

Recommend approval subject to the applicant addressing architectural compatibility within a project. Recommend that Proffered Condition 7 not be accepted. This recommendation is made for the following reasons:

- A. While the proposed Community Business (C-3) zoning and land uses are in conflict with the recommendations of the adopted Upper Swift Creek Plan which suggests the property is appropriate for a mix of office and residential uses of various densities, the proposal complies with the proposed amendment of the Upper Swift Creek Plan, as recommended by the Planning Department. Specifically, the proposed Plan recommended by the Planning Department suggests the property is appropriate for community scale commercial and office uses.
- B. The proposed zoning and land uses are representative of, and compatible with, existing and anticipated area development.
- C. Compliance with the Route 360 West architectural standards for Community Mixed Use areas is appropriate given the recommendations of the draft Plan, as discussed herein.
- D. Architectural compatibility within the same project or block reinforces and compliments area development patterns thereby providing for a more attractive Corridor. Approval of this request could set a precedent for other projects to seek similar exceptions, thereby negatively impacting the aesthetics of the Corridor.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

CONDITION

(CPC) Development shall comply with the requirements of the Zoning Ordinance for Community Mixed Use areas within the Route 360 Corridor West Area. (P)

PROFFERED CONDITIONS

- (CPC) 1. Utilities.
 - a. Public water and wastewater systems shall be used.
 - b. The on-site water distribution system shall be designed to include a connection between the existing eight (8) inch water line adjacent to the eastern property line and the existing twelve (12) inch water line adjacent to the western property line. (U)

- (CPC) 2. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
- (CPC) 3. Drainage. The drainage flowing towards Deer Run and Harbor Green Subdivisions shall be retained on-site, with the release rate based on the capacity of the existing storm sewer and overflow swale to contain the 100 year flood within the existing sixteen (16) foot easement. This capacity shall not be exceeded. (EE)
- (CPC) 4. Uses. Uses within the Community Business (C-3) District shall be limited to those uses permitted by right or with restrictions in the Neighborhood Business (C-2) Districts, except as noted below, plus the following Community Business (C-3) uses:
- i Carpenter and cabinetmakers' offices and display rooms
 - ii Contractors' offices and display rooms
 - iii. Electrical, plumbing, or heating supply sales, service and related display rooms
 - iv. Schools – commercial, trade, vocational, and training, limited to 3,000 gross square feet in area
 - v. Secondhand and consignment stores, excluding motor vehicle consignment lots
 - vi. Fast food restaurants, provided that each use 1) shall not exceed 2,500 gross square feet in area, 2) shall not be free standing, and 3) shall be located within 250 feet of Hull Street Road.
 - vii. Continuous outside display of merchandise for sale, as accessory to a permitted use.
 - viii. The following Neighborhood Business (C-2) uses shall be prohibited:
 - 1.) Gasoline sales
 - 2.) Funeral homes
 - 3.) Automobile self-service stations
 - 4.) Greenhouses or nurseries
 - 5.) Communications towers
 - 6.) Hospitals
 - 7.) Temporary outdoor Christmas tree sales
- (CPC) 5. Irrigation. An underground automatic irrigation system shall be provided for the landscaping along U.S. Route 360. (P)

- (CPC) 6. Freestanding Lights. Freestanding light fixtures shall be limited to twenty (20) feet within the Corporate Office (O-2) District and to twenty-five (25) feet within the Community Business (C-3) District .(P)
- (CPC) 7. Architectural Standards. Architectural treatment of the buildings shall be compatible with Exhibit A. Compatibility may be achieved through use of similar building massing, materials, scale, colors or other architectural features. (P)
- (CPC) 8. Access. Direct vehicular access from the property to Hull Street Road (Route 360) shall be limited to existing Harbourside Center Loop located at the eastern property line. (T)
- (CPC) 9. Right of Way Dedication. Prior to any site plan approval, or within sixty (60) days from the date of a written request by the Transportation Department, whichever occurs first, one hundred (100) feet of right of way on the south side of Route 360, measured from the centerline of that part of Route 360 immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
- (CPC) 10. Road Improvements. Prior to issuance of an occupancy permit, the following road improvement shall be provided:
- a. Construction of additional pavement along Route 360 at Harbourside Center Loop to provide a right turn lane.
 - b. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any “off-site” right-of-way that is necessary for the improvements described in Proffered Condition 12, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the “off-site” right-of-way, the developer shall be relieved of the obligation to acquire the “off-site” right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)
- (CPC) 11. Hours of Operation. Within the Community Business (C-3) District, hours of operation shall be restricted to between 6:00 am and 12:00 midnight, with the exception of one (1) restaurant, other than carry-out or fast food, which shall be restricted to between 6:00 am and 1:00 am. Within the Corporate Office (O-2) District, hours of operation shall be restricted to between 6:00 am and 9:00 pm. (P)

- (CPC) 12. A six (6) foot high board on board privacy fence shall be provided within the buffer adjacent to Deer Run and Harbor Green Subdivisions. The exact design and location shall be determined at Site Plan Review. (P)

GENERAL INFORMATION

Location:

South line of Hull Street Road, west of Mockingbird Lane. Tax IDs 729-673-5883 and 8052; and 729-674-8507.

Existing Zoning:

A, C-2 and O-2 with Conditional Use Planned Development

Size:

7.9 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - O-2 with Conditional Use Planned Development; Commercial
South - R-12 with Conditional Use Planned Development; Single family residential
East - C-2 and O-2 with Conditional Use Planned Development; Commercial or office
West - C-5; Commercial

UTILITIES

Public Water System:

The public water system is available to serve this site. There is an existing eight (8) inch water line extending along Harbourside Centre Loop that terminates adjacent to the eastern boundary of the request site. A twelve (12) inch water line extends along the south side of Hull Street Road and terminates adjacent to the western boundary of this site. Use of public water has been proffered. (Proffered Condition 1.a)

To improve flows in this area, as well as to close a gap in the existing water distribution system along the south side of Hull Street Road, the applicant has proffered to connect the on-site water distribution system to the existing water lines adjacent to both the eastern and western property lines of this site. (Proffered Condition 1.b.)

Public Wastewater System:

There is an existing eight (8) inch wastewater collector line extending along Harbourside Centre Court and terminating approximately sixty (60) feet east of the request site. A sixteen (16) foot sewer easement was left extending from the existing sewer line to the eastern property boundary to facilitate future extension of the public wastewater system. Use of the public wastewater system has been proffered. (Proffered Condition 1.a)

ENVIRONMENTAL

Drainage and Erosion:

The subject property drains in two directions. The front portion of the property drains towards Route 360 and then east via storm sewers to Swift Creek. The rear portion of the property drains to Harbor Green and Deer Run Subdivisions through swales or storm sewer systems. These systems may not be adequate to handle the additional runoff from this property. Therefore, the developer must analyze the downstream systems and retain water onsite such that the existing storm sewers and overflow swales are adequate and that the 100 year floodplain remains within the existing 16 foot easements. (Proffered Condition 3)

The property is currently wooded and, as such, should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering. This will ensure that adequate erosion control measures are in place prior to any land disturbance. (Proffered Condition 2)

PUBLIC FACILITIES

Fire Service:

The Clover Hill Fire Station, Company 7, currently provides fire protection and emergency medical service. This request will have a minimal impact fire and EMS.

Transportation:

The property (7.9 acres) is located on the south side of Hull Street Road (Route 360) just west of the Mockingbird Lane intersection, and is currently zoned Agricultural (A), Corporate Office (O-2) and Neighborhood Business (C-2). The applicants are requesting rezoning to Community Business (C-3) on 4.7 acres and Corporate Office (O-2) on 3.2 acres. This request will not limit development to a specific land use; therefore, it is difficult to anticipate traffic generation. One (1) of the intended use on the property is a sit-down restaurant. Based on general office, shopping center and high-turnover restaurant trip rates, development could generate approximately 4,600 average daily trips. These vehicles will be initially distributed along Route 360. Based on the most recent data from the Virginia Department of Transportation (VDOT), the section of Route 360 between Spring Run Road and Old Hundred Road was carrying 67,324 vehicles per day (VPD) in 2006. This section of Route 360 is beyond capacity (Level of Service F) for the volume of

traffic it currently carries. Drivers experience long delays, especially during peak travel periods. An improvement project will soon complete the widening of Route 360 to an 8-lane highway west of the Old Hundred Road intersection. This should reduce traffic congestion along the corridor, although it is likely that significant congestion will continue.

The Thoroughfare Plan identifies Route 360 as a major arterial with a recommended right-of-way width of 120 to 200 feet. The applicants have proffered to dedicate one hundred (100) feet of right-of-way, measured from the centerline of Route 360, in accordance with that Plan. (Proffered Condition 9)

Development must adhere to the Development Standards Manual in the Zoning Ordinance, relative to access and internal circulation (Division 5). Access to major arterials, such as Route 360, should be controlled. The applicants have proffered that direct vehicular access from the property to Route 360 will be limited to the one (1) existing shared entrance/exit, located at the eastern property line (Proffered Condition 8). This access is limited to right-turns-in and right-turns-out only. Additional access to Route 360 is anticipated to be provided through the adjacent properties to the east and west.

The traffic impact of this development must be addressed. An additional lane of pavement is currently being constructed along the property frontage with the Route 360 Widening project. The applicants have proffered a customary road improvement along Route 360 to construct a separate right turn lane at the existing shared access (Proffered Condition 10). This improvement will be provided with initial development of the property.

The developer is not anticipated to need “off-site” right-of-way along Route 360 for the turn lane improvement. However, according to Proffered Condition 10, if the developer needs off-site right-of-way and is unable to acquire it, the developer may request the county to acquire the right-of-way as a public road improvement. All costs associated with the acquisition will be borne by the developer. If the county chooses not to assist with the right-of-way acquisition, the developer will not be obligated to acquire the off-site right-of-way, and will only be obligated to construct road improvements within available right-of-way. (Proffered Condition 10)

At time of site plan review, specific recommendations will be provided regarding internal site circulation.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for a mix of office and residential uses of various densities.

The Plan is currently being revised. The draft Plan, as recommended by the Planning Department, suggests the property is appropriate for community scale commercial and office uses.

Area Development Trends:

Property to the north is zoned Corporate Office (O-2) and is part of the Harbour Pointe development. Properties to the south are developed as the Harbour Green and Deer Run Subdivisions. Property to the east is occupied by a mix of commercial and office uses known as the Harbourside Center. Property to the west is developed as a self-storage facility. The draft Plan suggests that area properties along this portion of Hull Street Road Corridor, west of the Mockingbird Lane intersection, are appropriate for a mix of community-scale commercial and office uses.

Zoning History:

On October 26, 1988, the Board of Supervisors approved a rezoning of a forty-one (41) acre tract to Residential (R-12), Office Business (O) and Convenience Business (B-1) with Conditional Use Planned Development to permit use and bulk exceptions (Case 88SN0056). A mixed use development incorporating commercial, office and single family residential uses was proposed. Conditions of zoning required that buildings within both the commercial and office development have an architectural style compatible with the surrounding residential neighborhoods. The C-2 and O-2 portions of the subject property were included in this case.

On February 26, 2003, the Board of Supervisors approved an amendment to Case 88SN0056 for the adjacent property to the east (Case 02SN0236). Original conditions of zoning regarding architectural compatibility with the surrounding residential development were maintained. Subsequent to this amendment, this adjacent property was developed as the Harbourside Center.

Development Standards:

The request property lies within an Emerging Growth District Area. The purpose of the Emerging Growth District Standards is to promote high quality, well-designed projects. Development of the site must conform to the development standards of the Zoning Ordinance, which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and parking areas, except as proffered herein.

In addition, the property is located within the Route 360 Corridor West area. Within this area, the Zoning Ordinance addresses architectural styles for projects, requires building elements to be provided to reduce the mass of large buildings, provides for pedestrian scale environment, and requires buildings to be compatible with residential architecture and other buildings with the same project or surrounding area.

Uses and Hours of Operation:

To address area residents' concerns, within the Community Business (C-3) portion of the development, uses are limited to those uses permitted by right or with restrictions in the Neighborhood Business (C-2) District, with some exclusions, plus several Community Business (C-3) uses. (Proffered Condition 4)

Proffered Condition 11 restricts hours of operation for the entire development.

Irrigation and Lighting:

The Zoning Ordinance requires that all landscaped areas be provided with a readily available water supply. The applicant has proffered the use of an underground irrigation system for landscaping along Hull Street Road. (Proffered Condition 5)

Proffered Condition 6 addresses the maximum height for freestanding light fixtures in the C-3 and O-2 portions of the development.

Buffers:

Within the Corporate Office (O-2) portion of the project, the Ordinance requires the provision of a fifty (50) buffer adjacent to the Harbour Green and Deer Run developments. In addition to Ordinance requirements for the treatment of this buffer, Proffered Condition 12 also requires the incorporation of a solid board fence adjacent to these subdivisions.

Architectural Treatment:

As previously noted, the property is located within the Route 360 Corridor West Area. Within this area, the Zoning Ordinance addresses architectural treatment of buildings. These standards differ for properties located within the Mixed Use Corridor or Community Mixed Use Areas, as suggested by the Plan. Given staff's position in supporting Community Mixed Use uses as suggested by the draft Plan, it would be appropriate for development of the property to comply with the associated development standards. (Condition)

Throughout the Route 360 Corridor West, the Ordinance requires that the architectural treatment of buildings be compatible with buildings located within the same project or within the same block or directly across any road, as determined by the director of planning. Access to the property will be shared with the adjacent Harbourside Center, unifying both properties as part of an overall project (Proffered Condition 8). As previously noted, buildings within the Harbourside Center are architecturally compatible with the surrounding residential development as required by conditions of zoning (reference "Zoning History" section). As such, development of subject property must also incorporate similar architectural elements to be compatible with Harbourside. Proffered Condition 7 requires the architectural treatment of buildings in the development to be compatible with Exhibit A (attached). This elevation does not demonstrate

architectural compatibility with Harbourside Center, and therefore fails to comply with the Route 360 Corridor West architectural standards of the Ordinance relative to compatibility with buildings located within the same project or block. As such, the applicant is requesting relief to this compatibility requirement.

Architectural compatibility within the same project or block reinforces and compliments area development patterns thereby providing for a more attractive Corridor. Approval of this exception could set a precedent for other projects to seek similar exceptions, thereby negatively impacting the aesthetics of the Corridor. As such, staff recommends that an exception to architectural compatibility not be granted and that Proffered Condition 7 not be accepted.

CONCLUSION

While the proposed Community Business (C-3) zoning and land uses are in conflict with the recommendations of the adopted Upper Swift Creek Plan which suggests the property is appropriate for a mix of office and residential uses of various densities, the proposal complies with the proposed amendment of the Upper Swift Creek Plan, as recommended by the Planning Department. Specifically, the proposed Plan recommended by the Planning Department suggests the property is appropriate for community scale commercial and office uses. Further, compliance with the Route 360 West architectural standards for Community Mixed Use areas is appropriate given the recommendations of the draft Plan.

Architectural compatibility within the same project or block reinforces and compliments area development patterns thereby providing for a more attractive Corridor. Approval of an exception to this compatibility requirement could set a precedent for other projects to seek similar exceptions, thereby negatively impacting the aesthetics of the Corridor.

Given these considerations, approval of this request is recommended, subject to addressing architectural compatibility within a project and that Proffered Condition 7 relative to architectural treatment not be accepted.

CASE HISTORY

Planning Commission Meeting (5/15/07):

At the request of the applicant, the Commission deferred this case to July 17, 2007.

Staff (5/16/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than May 21, 2007, for consideration at the Commission's July 17, 2007, public hearing. Also, the applicant was advised that a \$130.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (5/29/07):

Revised proffered conditions were submitted.

Applicant (6/28/07):

To date, the deferral fee has not been paid.

Applicant (7/13/07):

The deferral fee was paid.

Planning Commission Meeting (7/17/07):

At the request of the applicant, the Commission deferred this case to August 21, 2007.

Staff (7/18/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than July 23, 2007, for consideration at the Commission's August 21, 2007, public hearing. Also, the applicant was advised that a \$230.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (7/2/07, 7/10/07 and 8/6/07):

Revised proffered conditions were submitted.

Applicant (8/13/07):

The deferral fee was paid.

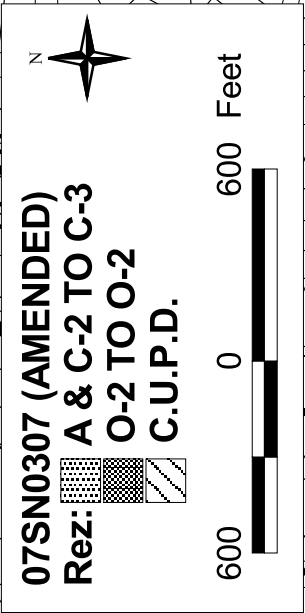
Planning Commission Meeting (8/21/07):

The applicant accepted the Commission's recommendation. There was no opposition present.

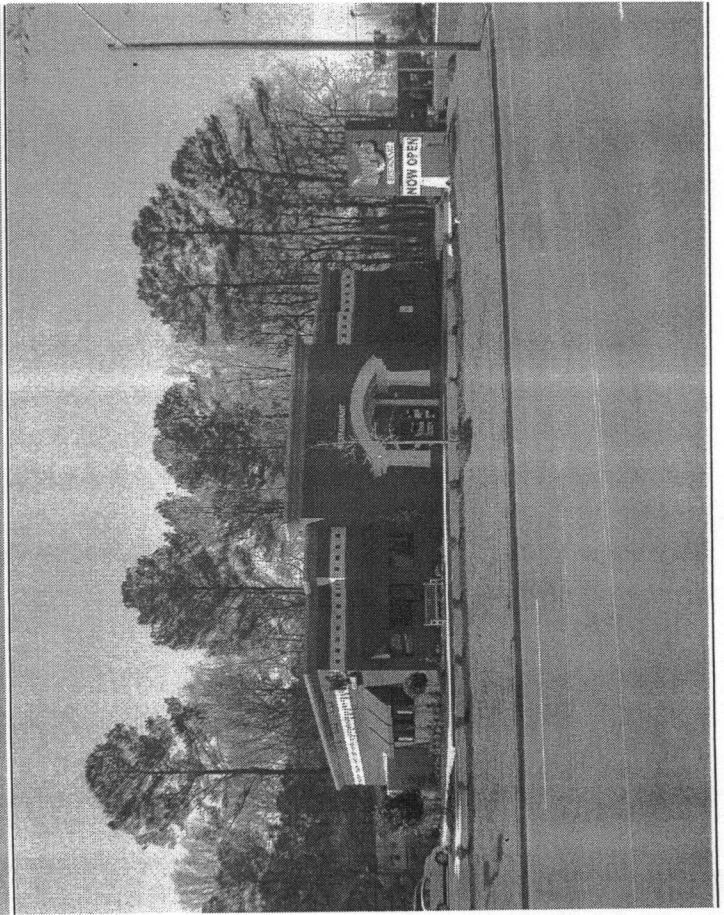
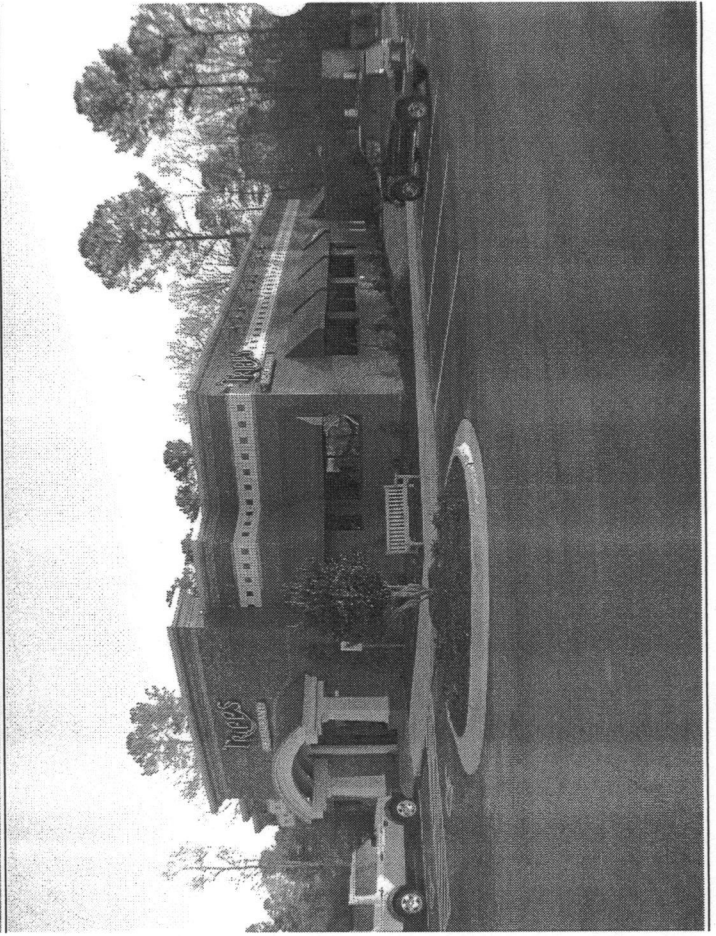
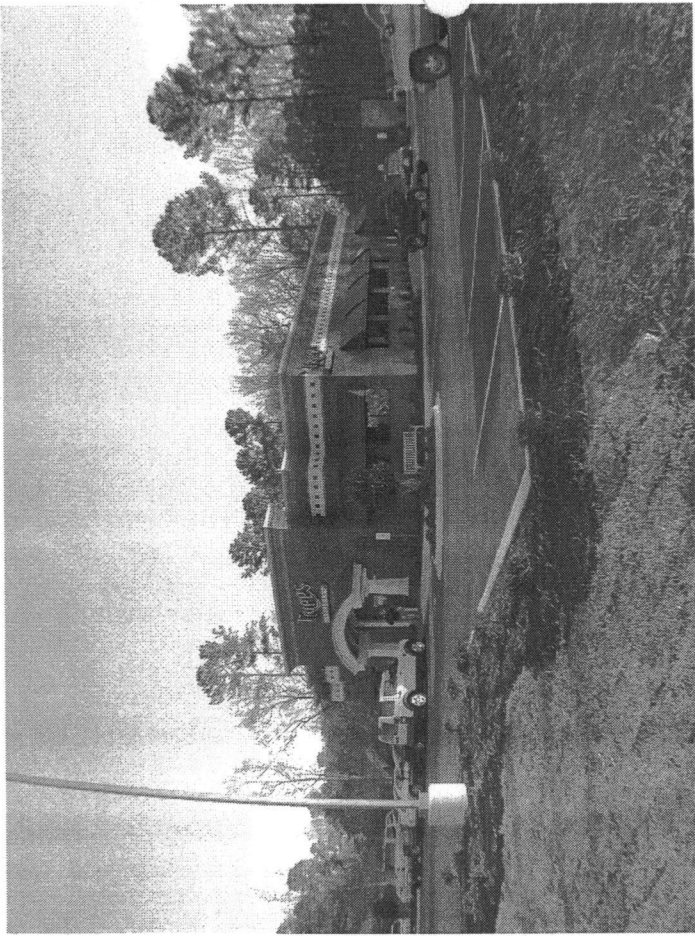
On motion of Mr. Bass, seconded by Mr. Litton, the Commission recommended approval of this request subject to the conditions and acceptance of the proffered conditions on pages 2 through 5.

AYES: Messrs. Gecker, Gulley, Bass, Litton and Wilson.

The Board of Supervisors, on Wednesday, September 26, 2007, beginning at 6:30 p.m., will take under consideration this request.



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